

SECTION 32 - VARIANCES

Variances may be granted as provided in this section where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provisions. This section shall not be used to allow a use that is not permitted by this ordinance for the district in which the land is located.

1. Authorization to Grant or Deny Variances. The Planning Commission may authorize variances from the requirements of the Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located.

In granting a variance, the City may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance. The conditions to an authorized variance shall also be a part of the public record and be a part of the requirements for an issuance of a building permit.

2. Conditions for Granting a Variance. No variance shall be granted unless it can be shown that ALL of the following conditions exist:
 - A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.
 - B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same district or vicinity.
 - C. The authorization of the variance shall not be materially detrimental to the purposes of this Ordinance, be injurious to property in the district or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development plan or policy.
 - D. The variance requested is the minimum variance from the provisions and standards of this Ordinance which will alleviate the hardship.
3. Application for Variance. A request for a variance may be initiated by a property owner or his/her authorized agent by filing an application in accordance with the provisions of Section 10.
4. Before a variance is granted, the proposed variance shall be considered by the Planning Commission at a public hearing, or administratively by staff. Notice of said hearing or administrative action shall be provided as per Section 10.
5. Action of the Planning Commission. Planning Commission shall make its findings and decision in writing within 45 days after the hearing on the proposed variance.

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- A. The Secretary of the Planning Commission shall notify the applicant in writing of the Planning Commission's action within five (5) working days after the Planning Commission has rendered its decision. The Commission may attach conditions to an authorized variance, which it feels are necessary to protect the public interest and carry out the purpose of this Ordinance.
 - B. The conditions to an authorized variance shall also be part of the public record and be a part of the requirements for an issuance of a building permit.
6. Time Limit on Approval of a Variance. Authorization of a variance shall be void after six months unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional six months on request to the Planning Commission.